

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

SCOTTSDALE INSURANCE COMPANY,)	Case No.: 1: 23-cv-1548 JLT EPG
)	
Plaintiff,)	ORDER ADOPTING FINDINGS AND
)	RECOMMENDATIONS AND DENYING
v.)	WITHOUT PREJUDICE PLAINTIFF'S MOTION
)	FOR DEFAULT JUDGMENT
AGRIGENIX, LLC, et al.,)	
)	(Docs. 25, 33)
Defendants.)	
)	
)	

Scottsdale Insurance Company seeks the entry of default judgment against Agrigenix, LLC and Sean Mahoney, seeking “a default declaratory judgment stating that it has no obligation to provide indemnity coverage for any damages awarded to [Defendant Deerpoint] in *Deerpoint Group, Inc. v. Agrigenix, LLC, et al.*, USDC Eastern District, Case No. 1:18-cv-00536-AWI-BAM.” (Doc. 25 at 2.)

While issuing her findings and recommendations, the magistrate judge observed that Deerpoint filed an answer and counterclaims against Scottsdale. (Doc. 33 at 3, citing Doc. 7.) Because Plaintiff asserts the same claims against Deerpoint as the defaulting defendants, the magistrate judge found it was “inappropriate to grant default judgment to Plaintiff based on the failure of Agrigenix and Mahoney to appear and defend in this case.” (*Id.* at 5.) Therefore, the magistrate judge recommended the motion for default judgment be denied without prejudice. (*Id.* at 6.)

The Court served the Findings and Recommendations on the parties and notified Plaintiff that any objections were due within 14 days. (Doc. 33 at 6.) The Court advised Plaintiff that the “failure to

1 file objections within the specified time may result in the waiver of rights on appeal.” (*Id.*, citing
2 *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) Plaintiff did not file objections, and the
3 time to do so has passed.

4 According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case.
5 Having carefully reviewed the matter, the Court concludes the Findings and Recommendations are
6 supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 7 1. The Findings and Recommendations dated July 22, 2024 (Doc. 33) are **ADOPTED** in
8 full.
- 9 2. Plaintiff’s motion for default judgment (Doc. 25) is **DENIED** without prejudice.

10
11 IT IS SO ORDERED.

12 Dated: **August 8, 2024**


UNITED STATES DISTRICT JUDGE